

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JOHN G. PEDICINI, :  
 :  
 Plaintiff, :  
 :  
 v. : Case No. 04-12395 JLT  
 :  
 UNITED STATES OF AMERICA, and :  
 ANN M. VENEMAN, SECRETARY, :  
 UNITED STATES DEPARTMENT OF :  
 AGRICULTURE, :  
 :  
 Defendants. :

**DEFENDANTS' PARTIAL MOTION FOR JUDGMENT ON THE PLEADINGS**

Pursuant to Fed. R. Civ. P. 12(c), Defendants, the United States of America and Ann M. Veneman, Secretary of the United States Department of Agriculture, move for judgement on the pleadings as to Counts Two and Three of the Complaint. In support of this motion, the Defendants submit the accompanying Memorandum of Law in Support of their Partial Motion for Judgement on the Pleadings.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Damian W. Wilmot  
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Dated: March 24, 2005

**CERTIFICATION UNDER L.R. 7.1**

I certify that in accordance with Local Rule 7.1, on March 4, 10, 21, 22, and 23, 2005, I have conferred with Plaintiff's counsel and have attempted in good faith to resolve the issues addressed in this Motion.

/s/ Damian W. Wilmot  
DAMIAN W. WILMOT  
Assistant U.S. Attorney